



CITY OF MEMPHIS

COUNCIL AGENDA

October 20, 2009

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (October 6, 2009)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION approving an honorary street name change on Airways Blvd., between Deadrick Ave. and Supreme Ave. for John Grisanti.

Halbert

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION approving an honorary street name change on Levi Road, between Third Street and Weaver Road for Mrs. Frances Day-Hale.

Ford

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

3. RESOLUTION approving a planned development located on the north side of Harbert Avenue; +/-310 feet east of South Bellevue Boulevard, containing 0.21 acre (9,147.60 sq. ft.) in the Single Family Residential (R-S6) Historic Preservation (HP) District.

Morrison

Case No. PD 09-311

Applicant: Brook & Marissa Loper
Harkavy-Shainberg-Kaplan-Dunstan, PLC – Representative

Request: Planned development to allow renovation and use of the property as a triplex and obtain separate utility meters of the tenants

LUCB recommendation: REJECTION

OPD recommendation: HOLD FOR THIRTY (30) DAYS

ACTION REQUESTED: Take whatever action Council deems advisable

66 NOTICES WERE MAILED ON OCTOBER 9, 2009

4. RESOLUTION approving a planned development located on the west side of Barksdale Street; +/-184.77 feet south of Poplar Avenue, containing 1.34 acres in the planned development (PD PUD R-114) and Multiple Dwelling Residential (R-MM) Districts.
Morrison Case No. PD 09-322

Applicant: Memphis College of Art (Sherry Yelvington)
Nathan Bicks – Representative

Request: Construct a second residence hall

LUCB and OPD recommendation: No Recommendation

ACTION REQUESTED: Take whatever action Council deems advisable

90 NOTICES WERE MAILED ON OCTOBER 9, 2009

5. RESOLUTION approving a street/alley closure beginning at a point approximately 1,500 feet west of Bledsoe Road and extending west 709.75 feet, containing .97 acre.
Morrison Case No. SAC 09-605

Applicant: Mark H. and Melinda M. George
ETI Corporation – Rodney Joyner – Representative

Request: Close a remnant portion of existing right-of-way left abandoned as a result of the construction of a new Holmes Road overpass over the Burlington Northern Railroad

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

46 NOTICES WERE MAILED ON OCTOBER 9, 2009

6. RESOLUTION approving a street/alley closure beginning on the west side of Neptune Street, 99.76 feet north of Ida Place and extending 525 feet west, containing 0.18 acre.
Morrison Case No. SAC 09-608

Applicant: LeMoyne-Owen College
Dan Graddy – ETI Corporation – Representative

Request: Close and vacate an existing, unimproved alley

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

143 NOTICES WERE MAILED ON OCTOBER 9, 2009

DIVISION OF PLANNING & DEVELOPMENT (None)

ZONING ORDINANCE – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

7. **ORDINANCE** to amend Section 18-19, of Chapter 18, Article II, of the existing City Code of Ordinances to reflect current state law, specifically Tennessee Code Annotated Section 10-3-103, to set forth the terms that govern the appointment of members of the Memphis Library Board of Trustees, up for S E C O N D reading.
Brown Ordinance No. 5333

ACTION REQUESTED: Adopt the ordinance on Second reading

8. **ORDINANCE** to amend Chapter 15, Code of Ordinances, to include regulations for the Proper Disposal of Tires and the Registration of Certain Tire Businesses and Tire Haulers, within the City of Memphis, up for S E C O N D reading.
Brown Ordinance No. 5334

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

9. **ORDINANCE** rezoning the southwest corner of Walnut Street and Tate Avenue, containing 1.29 acres (Development site) and 0.65 acre (Zoning Amendment) in the Highway Commercial (C-H) District, up for F I R S T reading
Morrison Case No. Z 09-103
Ordinance No. 5335

Applicant: Urban Construct, LLC
Tiena Gwin – Representative

Request: Multiple Dwelling Residential (R-MM) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

10. RESOLUTION approving final plat of STANSELL CROSSING PD, PARCEL 9, 7TH AMENDMENT, PH. 20.

Case No. PD 09-309cc

Resolution approves the final plat located north of Lowrance Rd., west of Hacks Cross Rd. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION approving engineering plans of WHITTEN/I-40 PD, 2ND AMENDMENT, PHASE 18 SEWER EXTENSION.

Contract No. CR-5148

Resolution approves the engineering plans located on the northwest corner of Century Center Parkway and Whitten Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard sewer extension contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

12. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. S 46-001 – SHADY GROVE SUBDIVISION, LOT 105

Located on the southwest corner of Shady Grove Road and Roane Road (4968 Roane Road)

Applicant: Raia Khan and Fariha Bano

Appellant: Herbert S. Phillips, III

Request: Overturn the decision of the Land Use Control Board on 09/10/09 which approved reducing the required minimum front yard building setback of 75 feet for Shady Grove Road by 7 feet 6 inches and reducing the required minimum front yard building setback of 65 feet by 10 feet, 8 inches along Roane Road for the construction of a new home on Lot 105

LUCB recommendation: Approved the requested setback reductions

OPD recommendation: APPROVAL

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: November 3, 2009



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MLGW FISCAL CONSENT

13. RESOLUTION awarding Contract No. 11343, Re-roof Various MLGW Buildings, to B Four Plid, Inc. in the funded amount of \$88,855.00.
14. RESOLUTION awarding Contract No. 11348, Facility Information System/Geographical Information System Replacement, to MJ Harden in the funded amount of \$1,320,157.00.
15. RESOLUTION awarding contract for electronic voltage detectors to HD Electric Company c/o Utility Specialists, Inc. in the amount of \$46,899.00.
16. RESOLUTION awarding contract for Cisco multiplexer parts to Coleman Technologies, Inc. in the amount of \$59,414.00.
17. RESOLUTION awarding 60-month contract for paper products to Memphis Chemical and Janitorial Supply in the amount of \$335,850.00.
18. RESOLUTION awarding 60-month contract for protectors and transformers as follows:

Carte International LLC c/o Vincent Sales, Inc.....	\$1,942,928.00
EatonElectricalc/oACFAssociates.....	<u>1,279,161.00</u>
Total.....	<u>\$3,222,089.00</u>



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REGULAR AGENDA

19.
Flinn

APPOINTMENTS

Alcohol Commission

Appointment

Eugene S. Bryan

Reappointment

Rick Middlebrook

Civil Service Commission

Appointment

Carnita McKeithen

Reappointments

John D. Horne

Gloria Thomas

Bernie Weinman

Memphis Community Development Enterprise

Appointment

Harry T. Cash, III

Memphis & Shelby County Air Pollution Board

Appointments

Robert D. Cash
Douglas B. Dugard Jr.
Tierney R. Matthews
Dr. Jose C. Yataco

Memphis and Shelby County New Arena Public Building Authority

Appointment

Tierney R. Matthews

GENERAL ORDINANCES -THIRD AND FINAL READING

20. **ORDINANCE** to amend Chapter 28, Article VI, Division 3, of the Code of Ordinances, so as to reduce the number of allowable False Alarms, include civil damages and add notification process of alarm users operating without a permit, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5328

ACTION REQUESTED: Take whatever action Council deems advisable

21. **ORDINANCE** to revise Chapter 15, Section 15-11(d), of the City of Memphis Code of Ordinances, pertaining to the dimensions of Limbs and Logs collected by the City of Memphis, up for T H I R D and F I N A L reading.

Boyd

Ordinance No. 5329

Director of Public Works recommends approval

ACTION REQUESTED: Take whatever action Council deems advisable

22. **ORDINANCE** to revise Chapter 15, Section 15-19(a), of the City of Memphis Code of Ordinances, pertaining to the removal of Construction and Demolition Debris by property owners, up for T H I R D and F I N A L reading.

Boyd

Ordinance No. 5330

Director of Public Works recommends approval

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

23. **RESOLUTION** accepting grant funds in the amount of \$504,329.00 from the State of Tennessee Department of Labor and Workforce Development division of WIA Title One Adult and Admin funds. Resolution also amends FY 2010 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION accepting grant funds in the amount of \$747,686.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Dislocated Workers and Administrative Funds. Resolution also amends FY 2010 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION

25. INITIAL RESOLUTION to issue Sanitary Sewerage System Revenue Bonds, Series 2009, of the City of Memphis, Tennessee for the purpose of financing improvements, additions and extensions to the City's Sanitary Sewerage System.

Halbert

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION authorizing the issuance of Sanitary Sewerage System Revenue Bonds, Series 2009, of the City of Memphis, Tennessee for the purpose of financing improvements, additions and extensions to the City's Sanitary Sewerage System.

Halbert

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES

27. RESOLUTION accepting grant funds from the State of Tennessee Bureau of TennCare for emergency services in the amount of \$325,393.41.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION appropriating an additional \$284,490.00 in G.O. Bonds from the Fiscal Year 2010 CIP Budget to purchase one (1) Aerial Truck for the Division of Fire Services.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

29. RESOLUTION requesting approval to sell a portion of L.E. Brown located at 617 South Orleans to the Memphis Housing Authority for the development of the Triangle Noir HOPE VI project. Said resolution is also requesting approval for the City to purchase acreage from the MHA to make the park whole.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

30. RESOLUTION appropriating \$1,616,962.00 for construction with the low complying bid from Barnes and Brower, Inc., appropriation of \$225,000.00 for Furniture, Fixtures and Equipment and appropriation of \$85,000.00 for Information Technology for the Liberty Bowl Locker Rooms Phase II, CIP Project Number PK10010, part of the FY10 Capital Improvement Budget funded by G.O. Bonds General.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

31. RESOLUTION accepting grant funds in the amount of \$3,061,020.00 from Shelby County Government granted through the U.S. Department of Justice for the Recovery Act Edward Byrne Memorial Justice Assistance Grant specifically for public safety projects. Resolution also amends FY 2010 Operating Budget to establish and appropriate grant funds.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION accepting grant funds in the amount of \$210,321.00 from Shelby County Government granted through the U.S. Department of Justice for the Justice Assistance Grant specifically for public safety projects. Resolution also amends FY 2010 Operating Budget to establish and appropriate grant funds.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES

33. RESOLUTION appropriating \$50,000.00 in FY10 for a Waste Tire Redemption Program.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

34. RESOLUTION amending the FY2010 Capital Improvement Budget by transferring an allocation and appropriating \$77,521.00 funded by G.O. Bonds – General from ADA Curb Ramp, project number PW04007 to ADA Curb Ramp Group 42, project number PW04076 for installation of ADA ramps at various locations in the City and for a construction contract with Encor, LLC.

Boyd

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION amending the FY2010 Capital Improvement Budget by transferring an allocation and appropriating \$2,750,000.00 funded by G.O. Bonds (Storm Water) from Drainage Rehab/Replace project number ST03098 to Trenchless Rehab FY09, project number ST03114, for rehab of trenchless stormwater structures and for a construction contract extension with Moore Construction Company, Inc.

Boyd

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION requesting that the Council of the City of Memphis modify the FY10 Capital Improvement Budget by creating a new project, SWM Capital FY10, project number PW05008. The City of Memphis General Service Division Fleet Maintenance will refurbish 50 Solid Waste trucks for a total cost of \$2,327,610.00.

Boyd

Resolution also requesting that the Council of the City of Memphis amend the FY10 Capital Improvement Budget by establishing an allocation and appropriation in the amount of \$2,327,610.00 for SWM Capital FY10, project number PW05008.

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ON

37. **APPOINTMENTS**

Collins

City Attorney

Appointment

Herman Morris

Shelby County Metro Charter Commission

Appointments

Dammon Griffin

Steve Ross

Jim Strickland

Rev. Ralph White

Carmen Sandoval

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 4 – Approved
5. Held to November 3, 2009
6. Through 11 – Approved
12. Public Hearing set for November 3, 2009
13. Through 19 – Approved
20. and 21 – Held to November 3, 2009
22. Failed
23. Through 32 – Approved
33. Held to November 3, 2009
34. Through 37 – Approved, with the exception of the appointment of Steve Ross. Councilman Flinn made a motion to substitute Steve Ross with the appointment of Richard Smith. This nominee was set up as Special Item #5

ACTION TAKEN ON THE MINUTES OF OCTOBER 6, 2009

Approved

**ACTION TAKEN ON THE MINUTES OF OCTOBER 20, 2009 FOR ITEMS 1, 4, 29, 37
AND SPECIAL ITEMS 1, 2, 3, 4, & 5**

Approved